

24771

AGREEMENT

Made this 18th day of April 2000 by and between MAJOR'S CARRYOUT t/a and the NEAR NORTHEAST CITIZENS AGAINST CRIME & DRUGS and Community Citizens Group.

WITNESSETH

WHEREAS, Applicant's application renewal for Retailer's Class B license for premises 714 H. Street N.E., ABC Application #24771, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board), and,

WHEREAS, the premises is within the boundaries of the ANC6A; and,

WHEREAS, the parties desire to enter into an agreement governing certain understanding regarding the issuance of a Retailer's Class B Liquor License at the subject premises; and,

WHEREAS, the parties agree that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner, and,

WHEREAS, the strict enforcement of health, safety, and the security regulations enhances compliance with such regulations, and in turn, preserves and enhances the peace, order and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax, or, if any amounts are owed, that arrangements satisfactory to the District of Columbia government have been made and are being performed by Applicant.

WHEREAS, Applicant declares that ending the sale of all single containers of beer of 40 or fewer ounces will result in financial hardship and will negatively affect the successful operation of the Applicant's business.

NOW, THEREFORE, the parties agree as follows:

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment.
 - b. posting a sign inside requesting customers not to contribute to panhandlers;
 - c. asking loiterers to move on whenever they are observed outside the establishment;
 - d. calling the police (MPD) to remove loiterers if they refuse Applicant's request to move on;
 - e. keeping a written record of dates and times when MPD is called for assistance; and
 - f. not installing an outside paytelephone on or adjacent to the establishment, and by opposing the efforts any other party to install an outdoor payphone on or adjacent to the establishment; and paytelephones must be removed by the Applicant-establishment within 30 days of signing this

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agreement.

2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, daily, or more often if needed.
 - b. sweeping the outside of the establishment daily, or more often if needed.
3. Applicant will participate in an ABC Board approved course in alcoholic beverage sales and file a certificate of successful completion with the ANC6A within 90 days of the date of this agreement.
4. Applicant agrees not to sell single containers of MALT BEER of 40 or fewer ounces (for consumption off the store's premises) effective May 18, 2000.
5. The hours of operation for selling ABC alcoholic beverages will be between the hours of ~~10:30 a.m. to 12:00 a.m.~~ ^{10:30 AM to 12:00 AM} daily, seven days a week, effective May 18, 2000.
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6. In consideration of, and reliance upon the commitments reflected in paragraph 1-5, the NEAR NORTHEAST CITIZENS AGAINST CRIME & DRUGS and the Community Citizens Group, hereby withdraws its opposition to the Applicant's pending license application.

The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT

By: *Chong Cheng Chen*

Chong Cheng Chen

By: _____

NEAR NORTHEAST CITIZENS AGAINST CRIME & DRUGS

By: *Roland Chavez*

Roland Chavez

COMMUNITY CITIZENS GROUP


By: Earle Rands

Earle Rands

District of Columbia

Subscribed and sworn to before this

19th day of April 2000


Notary Public, D.C.
My Commission Expires

SYKEETHIA STEWART
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 14, 2003


The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated April 18, 2000, the protestants have agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

Chong Cheng Chen
t/a Major's Carryout
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Accordingly, it is this 28th day of June 2000, **ORDERED** that:

1. The opposition of Earle Rands and Roland Chavez, be, and the same hereby, is **WITHDRAWN**;
2. The application of Chong Cheng Chen t/a Major's Carryout for a retailer's class B license (renewal), located at 714 H Street, N.E., Washington, D.C., be, and the same hereby, is **GRANTED**;
3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**; and,
4. Copies of this Order shall be sent to the Protestants and the Applicant.

District of Columbia
Alcoholic Beverage Control Board



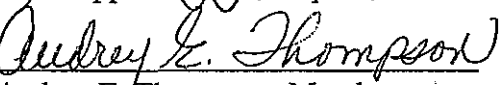
Roderic L. Woodson, Esquire, Chair



Vera Abbott, Member



Ellen Oppenheimer, Esquire, Member



Audrey E. Thompson, Member